

JS-6

**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

GIOVANA AGUILAR,

Petitioner,

v.

ELISEO RICOLCOL, Warden,

Respondent.

Case No. ED CV 23-1526 (MRW)

**ORDER DISMISSING ACTION  
WITHOUT PREJUDICE PER  
PETITIONER'S REQUEST**

1. This is habeas corpus action under 28 U.S.C. § 2241 involving a federal prisoner. The pro se petition alleges that the Bureau of Prisons failed to properly determine Petitioner's custody release date under the First Step Act. (Docket # 1.)

2. After the magistrate judge screened the petition, the government moved to dismiss the action. (Docket # 6, 13.) The dismissal motion explained and defended the BOP's release date calculation. The government also contended that Petitioner's action was premature and commenced without properly exhausting administrative remedies.

1           3.     In response to the dismissal motion, Petitioner filed a  
2 statement asking to voluntarily dismiss the action. (Docket # 17.)

3           4.     The request is GRANTED. The action will be dismissed  
4 without prejudice.

5           5.     The Clerk is directed to close the action.

6           IT IS SO ORDERED.

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8  
9 Dated: November 14, 2023



HON. GEORGE H. WU  
SENIOR U.S. DISTRICT JUDGE

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11  
12 Presented by:



HON. MICHAEL R. WILNER  
UNITED STATES MAGISTRATE JUDGE